

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

913R0469

SENATE BILL NO. 90

Introduced by: Senators Hansen (Tom), Gillespie, Heidepriem, Miles, Novstrup (Al), Olson (Russell), and Peterson and Representatives Hamiel, Carson, Feickert, Hunhoff (Bernie), Rausch, Rave, Schlekeway, Solum, Street, Tidemann, and Turbiville

1 FOR AN ACT ENTITLED, An Act to provide an exception from one-call notification
2 requirements to natural gas operators in emergency situations.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 49-7A-1 be amended to read as follows:

5 49-7A-1. Terms used in this chapter mean:

6 (1) "Bar test survey," a leakage survey completed with a non-conductive piece of
7 equipment made by driving or boring small holes in the ground at regular intervals
8 along the route of an underground gas pipe for the purpose of extracting a sample of
9 the ground atmosphere and testing the atmosphere in the holes with a combustible
10 gas detector or other suitable device;

11 (2) "Board," One-Call Notification Board;

12 ~~(2)~~(3) "Emergency," an occurrence which demands immediate action to prevent significant
13 environmental damage or loss of life, health, property, or essential public services
14 including the reerecting of critically needed traffic control signs or devices;



~~(3)~~(4) "Excavation," any operation in which earth, rock, or other material in or below the ground is moved or otherwise displaced by means of tools, equipment, or explosives, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe plowing or driving, except:

(a) Tilling of soil and gardening to a depth of twelve inches and the tilling of soil for agricultural purposes to a depth of eighteen inches;

(b) Pot hole repair and grading of an existing public road if the pot hole repair and grading does not extend more than eighteen inches below the finished roadway;

(c) Any vehicle operation or operation involving the use of any hand tool, other than a power tool, so long as such operation does not extend more than eighteen inches below the surface of the groundline within the right-of-way;

(d) Any road and ditch repair or road and ditch activity that does not extend more than eighteen inches below the surface of the original groundline within the right-of-way;

(e) Digging in a cemetery; ~~and~~

(f) Digging in a planned sanitary landfill; and

(g) Any bar test survey deemed necessary by an operator in response to a suspected natural gas, propane, or other combustible liquid or gas leak that is necessary to ensure public safety in an emergency;

~~(4)~~(5) "Excavator," any person who performs excavation;

~~(5)~~(6) "Member," any member of the one-call notification center;

~~(6)~~(7) "One-call notification center," the statewide one-call notification center established by § 49-7A-2;

1 ~~(7)~~(8) "Operator," any person who operates an underground facility;

2 ~~(8)~~(9) "Person," an individual, partnership, limited liability company, association,
3 municipality, state, county, political subdivision, utility, joint venture, or corporation,
4 and includes the employer of an individual;

5 ~~(9)~~(10) "Underground facility," any item of personal property buried or placed below
6 ground for use in connection with the storage or conveyance of water, sewage,
7 electronic, telephonic or telegraphic communications, fiber optics, cablevision,
8 electric energy, oil, gas, hazardous liquids, or other substances including pipes,
9 sewers, conduits, cables, valves, lines, wires, manholes, and attachments.